

**REGULAR MEETING, NOVEMBER 5, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, November, 2013 at 7:00 P.M.

**PRESENT:** City Manager Jeff Mikorski, Assistant City Manager of Operations Glen Kelly, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jenny Selin and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz.

Primarily, the City Manager addressed Council, requesting that the Public Hearing and Second Reading items related to the Ordinance leasing space at the Woodburn School to the WVU College of Creative Arts be removed from the Agenda. The University has recently withdrawn the lease agreement and therefore the Ordinance cannot move forward.

**APPROVAL OF MINUTES:** By acclamation, the minutes of the October 15, 2013 Regular Meeting were approved as presented; and the minutes of the October 15, 2013 Special Meeting were approved as amended.

**CORRESPONDENCE:** Councilor Ganz noted that Comedian Kathy Griffin entertained an audience on November 6, 2013 at WVU Creative Arts Center. She also announced the next Suncrest Neighborhood Association Meeting will be on November 21, 2013 at 7 pm.

Councilor Fike reported there will be an open house on November 6, 2013 at Marilla Park to discuss the Bike Plan. He also announced upcoming parades, Veterans Day on November 11 at 6:30pm and Christmas on December 6 at 6:30pm; Performances of the Nutcracker on November 23&24<sup>th</sup>; Santa Claus on November 30, 10am-5pm and Small Business Saturday.

Councilor Shamberger read a letter from Arthur Trussler, member of the Morgantown Housing Authority with concerns about WVU and other entities obtaining building permits. Councilor Nugent announced more information about Small Business Saturday and the visit from Santa Claus at Arts Monongahela. He also elaborated about the Nutcracker.

Councilor Kawecki announced the opening of new exhibits at Arts Monongahela in November along with a silent auction. Councilor Bane announced the upcoming Empty Bowls charity event and a First Ward Open House event for neighbors. Lastly, Mayor Selin announced a Spa event at the Waterfront Hotel.

**PUBLIC HEARING – AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSION, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WASTEWATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,250,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO THE BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.**

There being no appearances, Mayor Selin declared the public hearing closed.

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, LESSEE, FOR USE BY THE WVU COLLEGE OF CREATIVE ARTS, SCHOOL OF ART DESIGN, CERAMICS DEPARTMENT.**

As noted above, the Ordinance was withdrawn and no action was taken.

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE MOUNTAINEER BOYS AND GIRLS CLUB, INC., LESSEE.**

There being no appearances, Mayor Selin declared the public hearing closed.

James Giuliani, 256 Prairie Avenue, questioned the need for a lease agreement for an organization such as the Boys and Girls Club, and also questioned why the decision is being made by Council without waiting for input from the members of the newly forming Woodburn Redevelopment Commission.

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A, FOR ACQUISITION OF THE SUNSHINE ESTATES SEWERAGE SYSTEM:**

The below entitled Ordinance was presented for third reading:

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSION, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WASTEWATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,250,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO THE BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

Motion by Bane, second by Shamberger, to adopt the above entitled Bond Ordinance. Motion carried 7-0.

**AN ORDINANCE LEASING SPACE AT WOODBURN SCHOOL TO THE WVU CERAMICS DEPARTMENT:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, LESSEE, FOR USE BY THE WVU COLLEGE OF CREATIVE ARTS, SCHOOL OF ART DESIGN, CERAMICS DEPARTMENT.

As noted above, the Ordinance was withdrawn and no action was taken.

**AN ORDINANCE LEASING SPACE AT WOODBURN SCHOOL TO THE BOYS AND GIRLS CLUB:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE MOUNTAINEER BOYS AND GIRLS CLUB, INC., LESSEE.

Motion by Bane, second by Fike, to adopt the above entitled Ordinance. After discussion, motion carried 7-0.

**BOARDS AND COMMISSIONS:**

**PUBLIC PORTION:**

James Giuliani, 256 Prairie Avenue, gave Council members a handout with regard to his comments and then discussed the Council's comprehensive plan and his perception of the City's adherence thereto. He chronicled his recent interactions with the Director of Development Services with regard to the Sheetz in development for the downtown area. He feels that downtown businesses should have input on such a high profile development and that the zoning is not proper for a major gas station in the area. He cautioned Council to monitor the activities of the BZA and warned about variances that CVS may request for developing in the downtown.

Breanna Asberry, 400 Beechurst Avenue, WVU Student, concerned about the traffic light at the intersection of University and Evansdale Drive. She stated that the timing of the light is very short at the intersection which causes hazards for drivers and the potential for traffic accidents.

Mayor Selin then requested the rules be suspended in order to ascertain more details about the above complaint. It was suggested that the speaker's contact information be taken down and that she be contacted after the meeting. Then, hearing no objections, the rules were suspended and Mayor Selin asked the speaker to restate her complaint about the traffic light.

There being no other appearances, Mayor Selin declared the public portion closed.

**SPECIAL COMMITTEE REPORTS:** No Reports.

**NEW BUSINESS:**

**A RESOLUTION TO SUPPORT THE RENAMING OF THE SOUTH HIGH STREET BRIDGE:** The above entitled Resolution was presented for approval.

Motion by Kawecki, second by Shamberger to approve the above entitled Resolution. After explanation from the Mayor, a letter from Delegate Fleischauer urging Council to give its support of the renaming was read. There was then discussion about the potential for naming criteria and whether this action allows for future naming requests of other structures.

Councilor Fike then motioned to postpone approval of the Resolution until the Nov. 19<sup>th</sup> Council Meeting. The motion was seconded by Councilor Nugent. After continued discussion about the merits of the issue, the question was called and the motion to postpone failed 2-5. Councilors Bane, Kawecki, Shamberger, Ganz and Mayor Selin voted NO for postponement of the Resolution.

After further discussion both advocating for the development of naming criteria, and supporting the Resolution renaming the bridge, the question was called on the main motion. The motion to approve the Resolution passed 5-2. Councilors Bane and Nugent voted NO.

**CITY MANAGERS REPORT:**

NEW BUSINESS:

1. Requesting Monongalia County Commission to Develop Runway Protected Zone as a Part of a County Planning District.

After explanation from the Manager, motion by Bane, second by Ganz to approve the letter of request for zoning be sent to the County as described. After discussion, motion carried 7-0.

INFORMATION:

1. Employee Satisfaction Survey.

Mr. Mikorski explained the status of the employee survey process and its expected outcomes.

Mr. Mikorski then clarified for the audience the differences between the Planning and Zoning Code and the Comprehensive Plan.

**REPORT FROM CITY CLERK:** The City Clerk announced the sale of Colasessano’s Pepperoni Buns to benefit the United Way.

**REPORT FROM CITY ATTORNEY:** The City Attorney commented on the letter from Mr. Trussler, addressed in the correspondence portion of the meeting. He stated that the letter references “City Policy” in its dealings with WVU. Mr. Fanok clarified that there is no such policy, but that the City must follow the procedures set forth by State Law where the building permits and the University are concerned.

**REPORT FROM COUNCIL MEMBERS: (Roll Reversal)**

Councilor Ganz: Councilor Ganz announced the upcoming meeting of the Suncrest neighborhood association and the collection dates for Operation Shoebox.

Councilor Fike: Councilor Fike mentioned that he attended a ceremony honoring Lt. Steve Ford. He also noted a visit from professors from our Sister City in Guanajuato, MX, thanking the Sister Cities Commission for their assistance with the visit. Councilor Fike discussed the use of Suspension of the Rules in the proper context and procedure.

Councilor Shamberger: Councilor Shamberger congratulated the new officers of the Woodburn Neighborhood Association and thanked those who picked up trash in Whitmore Park. She announced the Spirit of America Concert at the Met. She then thanked Veterans for their service to the country.

Councilor Nugent: Councilor Nugent recognized Randy Jones, the WVU SGA Liaison and announced the Main Street Economic Restructuring

Committee meeting. He reported an uncompleted street sign request and several code enforcement issues he wishes to speak to the Manager about. Additionally, Councilor Nugent announced the Mountaineer Idol event.

Councilor Kawecki

Councilor Kawecki remarked on the Fire Marshall's latest activity report and the incidents that have recently occurred. He inquired as to the cost of these incidents incurred by the City as well as the penalty for the offenses.

Councilor Bane:

Councilor Bane proposed that the Manager and the Director of Development Services host a public forum for the benefit of the citizens and downtown business owners to allow clarification for recent changes. He then offered further commentary about his views on the bridge renaming issue.

Mayor Selin:

Mayor Selin announced an upcoming meeting to discuss the Evansdale plan, an energy saving program at the Library. She noted she attended First Night Friday and a concert at the Met. She announced that some street lights previously reported have been repaired. Mayor Selin concurred with Councilor Bane's renaming comments and stated that the fourth ward tour was successful. She discussed the WVU smoking ban and encouraging employees and smokers to relocate in certain areas. She noted a steam vent that the University will check on and then invited everyone to the Evansdale plan meeting.

**EXECUTIVE SESSION:** Motion by Bane, second by Nugent to enter into executive session pursuant to WV State Code section 6-9A-4(2)(9) as it pertains to the sale, purchase of lease of realty with the City Manager, Assistant City Manager of Operations, City Attorney and City Council members present. Session entered at 8:38 p.m., exited at 8:50 p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:50 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.